

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

QUINTON LEWIS,)
Plaintiff,) Civ. No. 06-670-CO
v.)
BERNIE GUISTO,) **ORDER**
Defendant.)

PANNER, District Judge:

Magistrate Judge John P. Cooney filed Findings and Recommendation on September 14, 2006. The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court still must review the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983). I find no error. Accordingly, I ADOPT the Findings and Recommendation of Magistrate Judge Cooney.

Plaintiff submitted an incomplete application to proceed in

forma pauperis (IFP) because the application deleted the authorization to withdraw funds from plaintiff's inmate trust account. That authorization is required even though the prisoner may not have any funds in his inmate trust account when the application is filed. Plaintiff's responses to this court's order did not correct the IFP application form to include the required authorization.

Dismissal on this basis is without prejudice to plaintiff's right to re-file this action with a completed IFP application.

CONCLUSION

Magistrate Judge Cooney's Findings and Recommendation (#7) is adopted. This action is dismissed without prejudice for failure to prosecute. The Clerk of the Court is directed to send plaintiff a application form to proceed in forma pauperis.

IT IS SO ORDERED.

DATED this 8 day of October, 2006.



OWEN M. PANNER
U.S. DISTRICT COURT JUDGE